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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT SEATTLE

11 LISA HANIGAN,

12                   Plaintiff,

13                  v.

14                  CITY OF KENT, et al.,

15                   Defendants.

16                   CASE NO. C06-176JLR

17                   ORDER

18         The court has reviewed Defendants' motion for reconsideration pursuant to Rule  
19         60 of the Federal Rules of Civil Procedure (Dkt. # 55). Defendants argue that the court  
20         incorrectly applied Rule 7(f) of the Local Rules, which requires parties to file motions for  
21         over-length briefs at least three judicial days before the underlying motion is due. Local  
22         Rules W.D. Wash. 7(f). In this case, Defendants filed their motion for over-length brief  
23         on the day the underlying brief was due. The court therefore struck the pages of the brief  
24         that exceeded the twelve-page limitation.

25         Defendants now move for reconsideration because "a party cannot logically be  
26         aware of whether a reply brief will be over-length on the very next day after receiving the  
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28                   ORDER - 1

1 opposition [brief].” Defendants’ Mot. at 3. Rule 7(f)(4) provides, however, that in all cases,  
2 the reply brief “shall not exceed one-half the total length of the brief filed in opposition.”  
3 Plaintiff did not move for leave to file an over-length brief. Her opposition brief was  
4 therefore limited to twenty-four pages, as per Rule 7(e)(3). Accordingly, under no  
5 circumstances would Defendants have been permitted to file a brief that exceeded twelve  
6 pages, or one-half the length of the Plaintiff’s opposition brief.  
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8 Rule 60(b) of the Federal Rules of Civil Procedure permits a party to move the  
9 court to grant relief from a prior judgment or order for a number of reasons, including:  
10 fraud; newly discovered evidence; voided, released, discharged or satisfied judgments; or  
11 “any other reason justifying relief from the operation of the judgment [or order].” Fed. R.  
12 Civ. P. 60(b)(1)-(6). Because Defendants failed to identify the basis for their motion for  
13 reconsideration under Rule 60(b), the court evaluates the request under the catchall  
14 provision of Rule 60(b)(6). Courts apply subsection (b)(6) “sparingly and as an equitable  
15 remedy to prevent manifest injustice.” Hamilton v. Newland, 374 F.3d 822, 825 (9th Cir.  
16 2004) (quoting United States v. Alpine Land & Reservoir Co., 984 F.2d 1047, 1049 (9th  
17 Cir. 1993)). Such motions must be supported by extraordinary circumstances. Hamilton,  
18 374 F.3d at 825 (citations and quotation marks omitted). Having reviewed Defendants’  
19 brief, the court finds no circumstance, let alone extraordinary circumstances, that merit  
20 this court’s review of its prior order (Dkt. # 54). The motion for reconsideration is  
21 DENIED (Dkt. # 55).  
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23 Dated this 22nd of December, 2006.  
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25   
26 JAMES L. ROBART  
27 United States District Judge  
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